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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yoshimasa Honda

33782

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7590

05/18/2006

PEARNE & GORDON LLP  
1801 EAST 9TH STREET  
SUITE 1200  
CLEVELAND, OH 44114-3108

EXAMINER

LEE, RICHARD J

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/899,907

Applicant(s)

HONDA ET AL.

Examiner

Richard Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2006 and 16 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 12, 14 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 9 and 12 is/are allowed.
- 6) ☒ Claim(s) 2-8, 10, 14, 21 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The request filed on February 3, 2006 for a Request for Continued Examination (RCE) is acceptable and a RCE has been established. An action on the RCE follows.

2. Claims 2-8, 10, 14, and 23-25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For examples:

(1) claim 2, line 1, before “The apparatus” shows multiple antecedent basis (see claim 1, lines 1-2, line 18). Suggestion: before “apparatus”, insert “moving picture data producing”;

(2) claim 3, line 1, before “The apparatus” shows multiple antecedent basis (see claim 1, lines 1-2, line 18). Suggestion: before “apparatus”, insert “moving picture data producing”;

(3) claim 4, line 1, before “The apparatus” shows multiple antecedent basis (see claim 1, lines 1-2, line 18). Suggestion: before “apparatus”, insert “moving picture data producing”;

(4) claim 5, line 1, before “The apparatus” shows multiple antecedent basis (see claim 1, lines 1-2, line 18). Suggestion: before “apparatus”, insert “moving picture data producing”;

(5) claim 6, line 1, before “The apparatus” shows multiple antecedent basis (see claim 1, lines 1-2, line 18). Suggestion: before “apparatus”, insert “moving picture data producing”;

(6) claim 7, line 1, before “The apparatus” shows multiple antecedent basis (see claim 1, lines 1-2, line 18). Suggestion: before “apparatus”, insert “moving picture data producing”;

(7) claim 8, line 1, before “The apparatus” shows multiple antecedent basis (see claim 1, lines 1-2, line 18). Suggestion: before “apparatus”, insert “moving picture data producing”;

(8) claim 10, line 1, “The apparatus” shows multiple antecedent basis (see claim 9, lines 1-2, lines 16-17). Suggestion: before “apparatus”, insert “moving picture data producing”;

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(9) claim 14, line 1, "The apparatus" shows multiple antecedent basis (see claim 12, lines 1-2, line 4). Suggestion: before "apparatus", insert "moving picture coding";

(10) claim 14, line 5, "bit" should be deleted in order to provide proper antecedent basis for the same as specified at claim 12, line 13;

(11) claim 23, line 4, "said inputted compressed moving picture data" shows no clear antecedent basis and therefore "said" should be deleted;

(12) claim 24, line 20, before "compression", "said" should be properly inserted in order to provide proper antecedent basis for the same as specified at line 16; and

(13) claim 24, line 4, "said bit rate correction means" shows no clear antecedent basis and therefore "said" should be deleted in order to provide proper antecedent basis for the same as specified at claim 24, line 27.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Mead of record (5,708,473).

Mead discloses a two stage video film compression method and system as shown in Figures 1-3, and the same system for changing the bit rate of compressed moving picture data as claimed in claim 21, the system comprising the same moving picture data producing apparatus (i.e., 20 of Figure 2) including rate correction data producing means (i.e., 26, 28 of Figure 2 and see column 3, line 60 column 4, line 24, column 5, line 50 to column 7, line 15), compression

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frame data means for adding the rate correction data to the compressed moving picture data to generate compression frame data (i.e., as provided by 22 of Figure 2, since the combined rate correction data generated by 26, 36, and compressed moving picture data generated by 30 is combined to be transmitted to recoder 28, see column 3, line 60 column 4, line 24, column 5, line 50 to column 7, line 15), and output means (i.e., as generated by 22 of Figures 1 and 2) for outputting the compression frame data; and a moving picture coding apparatus (i.e., 28 of Figures 1 and 3) separate from the moving picture data producing apparatus, the coding apparatus including input means (i.e., see data, motion vectors and foot characteristics information as inputted in Figure 3) for inputting the compression frame data (i.e. motion vectors of Figure 3) output from the data producing apparatus, the input means also for inputting a desired bit rate (see column 4, lines 6-24, column 6, lines 51-63, column 7, lines 16-47), bit rate correction means for generating modified compressed moving picture data by using the information in the rate correction data for changing the bit rate of the compressed moving picture data to the desired bit rate (see column 4, lines 6-24, column 5, line 50 to column 7, line 15), and output means for outputting the modified compressed moving picture data for transmission to a user (see Figure 3 and column 6, line 51 to column 7, line 15).

5. Claims 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 2-8, 10, 14, 24, and 25 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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7. Claim 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


8. Claims 1, 9, and 12 are allowed.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hirabayashi discloses an image communication apparatus and method.

Hamanaka discloses an image processing apparatus including an image data encoder having at least two scalability modes.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (571) 272-7333. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

  
**RICHARD LEE**  
**PRIMARY EXAMINER**

Richard Lee/rl



5/12/06